

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4062-03  
Bill No.: Perfected HCS for HB 1272  
Subject: Corrections Department; Prisons and Jails  
Type: Original  
Date: April 4, 2012

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Bill Summary: This proposal specifies that gross negligence will be the standard of proof in actions for damages brought against a public or private correctional or detention facility as a result of a death or suicide of an inmate.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Legal Expense	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0 or Unknown</b>	<b>\$0 or Unknown</b>	<b>\$0 or Unknown</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
<b>Local Government</b>	<b>\$0 or Unknown</b>	<b>\$0 or Unknown</b>	<b>\$0 or Unknown</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of the State Courts Administrator** assume the proposal would not fiscally impact the courts.

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Officials from the **Department of Mental Health** and the **Department of Corrections** each assume the proposal would not create a fiscal impact to their respective agencies.

Officials from the **Department of Social Services (DOS)** assume the proposal will not fiscally impact their agency. DOS states their Division of Youth Services has high operational and training standards around suicide prevention within facilities.

Officials from the **Office of Administration - Risk Management (COA)**, state that Missouri self-assumes its own liability protection under the State Legal Expense Fund in Section 105.711, RSMo. It is a self-funding mechanism whereby funds are made available for the payment of any claim or judgment rendered against the state in regard to the waivers of sovereign immunity or against employees and specified individuals. Investigation, defense, negotiation or settlement of such claims is provided by the Office of the Attorney General. Payment is made by the Commissioner of Administration with the approval of the Attorney General. COA assumes the proposal could result in a potential savings to the Legal Expense Fund.

In response to a similar proposal from 2011 (HB 200), officials from the **Boone County Sheriff** assumed the proposal would not have a fiscal impact on their agency.

Officials from the **Clark County Sheriff's Department** and the **St. Louis County Sheriff's Department** did not respond to our request for fiscal impact.

**Oversight** assumes the proposal could result in a potential savings to the Legal Expense Fund and to county jails and have ranged the speculative impact from \$0 to Unknown.

**Oversight** assumes House Amendment 1 would not change the fiscal impact of the proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
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**LEGAL EXPENSE FUND**

<u>Savings</u> - Office of Administration			
Potential savings to the fund from raising the standard of proof in actions for damages against correctional facilities as the result of death or suicide to gross negligence	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>

<b>ESTIMATED NET EFFECT TO THE LEGAL EXPENSE FUND</b>	<b><u>\$0 or Unknown</u></b>	<b><u>\$0 or Unknown</u></b>	<b><u>\$0 or Unknown</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
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**LOCAL POLITICAL SUBDIVISIONS**

<u>Savings</u> - County jails			
Potential savings to the fund from raising the standard of proof in actions for damages against correctional facilities as the result of death or suicide to gross negligence	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>

<b>ESTIMATED NET EFFECT TO THE LOCAL POLITICAL SUBDIVISIONS</b>	<b><u>\$0 or Unknown</u></b>	<b><u>\$0 or Unknown</u></b>	<b><u>\$0 or Unknown</u></b>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

### FISCAL DESCRIPTION

This proposal specifies that gross negligence will be the standard of proof in an action for damages brought against a public or private jail, correctional center, detention center, juvenile detention center, or any other type of correctional facility as a result of a death by suicide of any inmate.

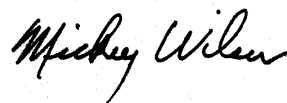
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

### SOURCES OF INFORMATION

Department of Corrections  
Department of Mental Health  
Office of the State Courts Administrator  
Office of the Attorney General  
Office of Administration  
Department of Social Services  
Boone County Sheriff

### NOT RESPONDING:

**Clark County Sheriff's Department**  
**St. Louis County Sheriff's Department**



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Director  
April 4, 2012